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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

Case No. 2011-416

12 **BOBBY JOSEPH HICKOX**  
13 **297 Edisto Drive**  
14 **North Augusta, SC 29841**

**STATEMENT OF ISSUES**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely  
19 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing  
20 ("Board"), Department of Consumer Affairs.

21 **Application Information**

22 2. On or about December 28, 2009, the Board received an Application for Licensure by  
23 Endorsment from Bobby Joseph Hickox ("Respondent"). On or about October 26, 2009, Bobby  
24 Joseph Hickox certified under penalty of perjury to the truthfulness of all statements, answers,  
25 and representations in the application. The Board denied the application on March 17, 2010.

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1 discipline is that in or about June 2009, Respondent self-reported to the Georgia Board that he  
2 had entered into chemical dependency treatment program at Willingway Hospital, due to his  
3 addiction to cocaine and prescription methadone.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 **(Acts Which if Done by a Licentiate Constitute Cause for Suspension**  
6 **or Revocation of a License)**

7 7. Paragraph 6 is incorporated herein as though set forth at length. Respondent's  
8 application is subject to denial pursuant to Code section 480, subdivision (a)(3)(A), in that  
9 Respondent has committed acts which if done by a licentiate constitute cause for discipline  
10 pursuant to Code section 2761, subdivision (a) (unprofessional conduct) and Code section 2762,  
11 subdivisions (a) (self-administering controlled substances, to wit, cocaine and methadone), and  
12 (b) (using controlled substances, to wit, cocaine and methadone, to an extent or in a manner  
13 dangerous or injurious to himself or others).

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Denying the application of Bobby Joseph Hickox for a registered nurse license; and,  
18 2. Taking such other and further action as deemed necessary and proper.

19 DATED: November 9, 2010

20 *for* *Louise Bailey*  
21 LOUISE R. BAILEY, M.ED., RN  
22 Interim Executive Officer  
23 Board of Registered Nursing  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant

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**EXHIBIT 1**  
**STATEMENT OF ISSUES**  
**BOBBY JOSEPH HICKOX**



## The Office of Secretary of State

*Karen C. Handel*  
SECRETARY OF STATE

*Randall D. Vaughn*  
DIRECTOR  
PROFESSIONAL LICENSING BOARDS

February 15, 2010

### CERTIFICATE OF AUTHENTICITY

STATE OF GEORGIA  
COUNTY OF BIBB

Georgia Secretary of State  
Professional Licensing Boards Division  
237 Coliseum Drive  
Macon, GA 31217

I, RANDALL D. VAUGHN, the undersigned, do hereby certify that I am the Division Director for the Professional Licensing Boards Division of the Georgia Secretary of State, and that I have reviewed the Consent Order, attached hereto relating to Bobby Joseph Hickox, license number RN106554.

I further certify that the attached copy of the Consent Order for which this certification is made consists of seven (7) pages and is a true reproduction of the original Board Documents maintained by the Professional Licensing Boards Division.

RANDALL D. VAUGHN  
Division Director,  
Professional Licensing Board Division  
Georgia Secretary of State

The foregoing Certification was subscribed  
and sworn to before me by Randall D. Vaughn  
on the 16th day of February, 2010.

Notary Public



My commission expires:

# PRIVATE

BEFORE THE GEORGIA BOARD OF NURSING

PROFESSIONAL LICENSING BOARDS

SEP 24 2009

DOCKET NUMBER

2009-2330

IN THE MATTER OF:

BOBBY JOSEPH HICKOX,  
License No. RN106554,

Respondent.

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FILE NO. 64EB-CA-1089746

## PRIVATE CONSENT ORDER

(To be docketed on a private docket)

By agreement of the Georgia Board of Nursing and Bobby Joseph Hickox, Respondent, the following disposition of this matter is entered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-13(a)(4), as amended.

## FINDINGS OF FACT

1.

The Respondent is licensed to practice nursing as a registered professional nurse in the State of Georgia, and was so licensed at all times relevant to the matters stated herein.

2.

In or about June 2009 the Respondent self-reported to the Board that the Respondent had entered into treatment for chemical dependence with Willingway Hospital by reason of his addiction to cocaine and prescription methadone.

## CONCLUSIONS OF LAW

The Respondent's mental and/or physical condition constitutes sufficient grounds for the imposition of limitations upon Respondent's license to practice nursing as a registered professional nurse in the State of Georgia, under O.C.G.A. Ch. 26, T. 43.

### ORDER

The Georgia Board of Nursing, having considered all the facts and circumstances surrounding this case, hereby orders, and the Respondent hereby agrees that the Respondent's license to practice as a registered professional nurse in Georgia shall be limited as follows:

1.

The Respondent's license to practice nursing as a registered professional nurse in the State of Georgia shall be limited for a period of four years commencing on the effective date of this Consent Order, such that the Respondent may only practice under the following terms and conditions designed to protect the public and to assure that the Respondent may continue to practice safely:

(a) Participation in Treatment/Aftercare Program. Throughout the period of limitation, the Respondent shall participate in a structured aftercare program for chemical dependence approved by the Board. Respondent's participation in such program shall be viewed as a condition precedent to all other provisions set forth herein, and the Respondent's failure to comply with that requirement, upon substantiation thereof, shall subject the Respondent's license to revocation. The Respondent shall not change aftercare provider without submitting to the Board a letter of permission from the current aftercare counselor, and receiving from the Board a letter approving a change of aftercare provider.

(b) Abstain from Alcohol and Controlled Substances. The Respondent shall completely abstain from the consumption of alcohol, and also shall abstain from the consumption of controlled substances except as prescribed by a duly licensed practitioner for a legitimate purpose. Should the Respondent be prescribed any controlled substances, a written report from the prescribing physician shall be submitted to the Board and to the Respondent's aftercare program counselor within ten (10) days of the prescribing thereof.

(c) Alcohol/Drug Screens. Throughout the period of limitation, the Respondent agrees to undergo random, medical quality alcohol/drug screens at Respondent's own expense, at the request of the Board or its representative, Respondent's employer, Respondent's monitoring

physicians, or Respondent's program counselor. Receipt of a positive alcohol/drug screen by the Board is deemed to be a violation of this Consent Order. The Respondent acknowledges and agrees that all of the Respondent's alcohol/drug screen reports received by the Board during the period of limitation shall be admissible in any administrative hearing concerning the Respondent, without the necessity of establishing chain of custody or receiving other supporting testimony.

(d) Quarterly Reports from Aftercare Counselor. The Respondent shall provide a copy of this Order to Respondent's program counselor and shall cause Respondent's program counselor to submit quarterly reports to the Board by March 31, June 30, September 30, and December 31 commencing on the first reporting date following the effective date of this Order and continuing throughout the period of limitation, which reports shall evaluate the Respondent's progress in rehabilitation. Each quarterly report shall contain the results of at least one alcohol/drug screen requested by the program during the quarter. The quarterly reports shall include a disclosure of any medication being administered to the Respondent or prescribed as treatment for any illness of the Respondent. The receipt of a positive alcohol/drug screen, or a report from the Respondent's program counselor that the Respondent has failed to comply with the requirements of the program or that the Respondent is otherwise unable to function as a registered professional nurse, shall be grounds for disciplinary action, in the discretion of the Board.

(e) Restrictions Concerning Access to Controlled Substances. The Respondent's license shall be limited and restricted so that the Respondent shall not have access to, administer, or prescribe controlled drug substances, as defined by the Georgia Controlled Substances Act. The restriction shall be typed on Respondent's pocket license card. Upon successful completion of two years of the period of limitation, the Respondent may petition the Board for reinstatement of the right to have access to and to administer controlled drug substances. At such time, the Respondent shall submit satisfactory proof to the Board that Respondent is able to administer controlled drug substances with reasonable skill and safety to patients. The reinstatement of the



Respondent's right of access to and to administer controlled drug substances shall be within the sole discretion of the Board.

(f) Restrictions Concerning Agency/Private Duty Employment. The Respondent shall not be employed in any of the following settings without prior written approval of the Board: (1) assignments through a nursing agency or pool, (2) private duty nursing, or (3) in-home nursing.

(g) Quarterly Reports from Employers. If the Respondent is employed in a clinical setting or in a setting involving access to drugs, the Respondent shall provide a copy of this Order to each of such employers or supervisors within ten (10) days of the Respondent's receipt of a docketed copy of the document. The Respondent shall cause such employers or supervisors to submit quarterly reports to the Board by March 31, June 30, September 30 and December 31 commencing on the first reporting date following the effective date of this Order and continuing throughout the period of limitation, regarding the Respondent's performance of Respondent's duties. The receipt of an unfavorable report shall be deemed a violation of this Order and, upon substantiation thereof, shall be grounds for sanction or revocation of Respondent's license.

(h) Copy of Consent Order to Director of Nursing Education Course. If the Respondent should be enrolled in any clinical nursing course, the Respondent shall also provide a copy of this Consent Order to the dean or director of such program.

(i) Personal Quarterly Reports. The Respondent shall submit personal quarterly reports to the Board by March 31, June 30, September 30 and December 31 commencing on the first reporting date following the effective date of this Order and continuing throughout the period of limitation. Such reports shall state only the current address and phone number and place of employment of the Respondent. Failure to submit such reports, upon substantiation thereof, shall be grounds for sanction or revocation of Respondent's license.

(j) Reporting Requirements. The Respondent shall provide a copy of this Consent Order to all reporting individuals. It shall be the responsibility of the Respondent to ensure that all required reports are submitted to the Georgia Board of Nursing, 237 Coliseum Drive,

Macon Georgia 31217-3858 in care of the Compliance Manager; and to report to the Board any change in Respondent's place of employment, residence, and current status as a practicing registered professional nurse.

(k) Meeting With Board Representative. After acceptance by the Board and docketing, a copy of the docketed Consent Order shall be mailed to the Respondent. Within 10 days of the Respondent's receipt of such docketed copy of the Consent Order, the Respondent shall contact the Compliance Manager of the Board to arrange a meeting to review the terms of this Consent Order and to ensure that any appropriate limitations are indicated upon the Respondent's pocket license card. The Respondent shall be responsible for scheduling such meeting, and failure to comply with such requirement shall be deemed a violation of this Consent Order.

(l) Consent to Release of Information. By executing this Consent Order, Respondent specifically consents to any individuals or entities reporting to the Board information which would affect Respondent's ability to practice as a registered professional nurse with reasonable skill and safety to patients or which constitutes a violation of the Nurse Practice Act or this Consent Order, notwithstanding any privilege provided by state or federal law, and agrees to provide to the Board any release or other documentation which may be necessary for the Board to obtain such information.

(m) Review of Compliance with Consent Order. The Board may review and evaluate the practice of the Respondent at the end of the period of limitation. It is hereby understood that if such evaluation should indicate non-compliance with the Consent Order or other violation of O.C.G.A. Title 43, Chs. 1 or 26, Respondent's licensure shall be subject to sanction or revocation.

(n) Abide by Laws, Rules, Terms of Consent Order. If the Respondent shall fail to abide by all State and federal laws relating to drugs and regulating the practice of registered professional nursing in the State of Georgia, the Rules and Regulations of the Georgia Board of Nursing and the terms of this Consent Order, or if it should appear from reports submitted to the

Board that the Respondent is unable to practice as a registered professional nurse with reasonable skill and safety to patients, Respondent's license may be sanctioned or revoked, upon substantiation thereof.

2.

This Consent Order shall constitute a private order of the Board, and shall not be disclosed to any person except the Respondent. Provided, however, that this Consent Order may be released to another lawful licensing authority or enforcement agency in this or any other state, and may be released pursuant to any other state or federal law authorizing or requiring such release. Provided, further, that should the Respondent violate or attempt to violate this Consent Order, any state or federal laws which relate to or regulate the practice of nursing, or the rules and regulations of the Board, this Consent Order shall be admissible in any proceeding to substantiate such violations, and may become part of the public record in such proceedings.

3.

Approval of this Consent Order by the Georgia Board of Nursing shall not be construed as a waiver of any of the lawful rights possessed by the Board. This Consent Order shall not become effective until approved by the Georgia Board of Nursing and docketed by the Division Director, Professional Licensing Boards Division.

4.

The Respondent has read this Consent Order and understands its contents. The Respondent understands that Respondent has the right to a hearing in this matter, and freely, knowingly and voluntarily waives such right by entering into this Consent Order. The Respondent understands that this Consent Order will not become effective until approved by the Georgia Board of Nursing and docketed by the Division Director, Professional Licensing Boards Division. The Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. The Respondent understands that this Consent Order, once approved and docketed, shall constitute evidence of action by the Board. However, if the Consent Order is not approved, it shall not

constitute an admission against interest in this proceeding or prejudice the Board's ability to adjudicate this matter. The Respondent hereby consents to the conditions and limitations contained herein.

Approved this 17<sup>th</sup> day of September, 2009

GEORGIA BOARD OF NURSING



BY:

Delynn Keeton RN  
DELYNN KEETON, RN  
President

ATTEST:

R.D. Vaughn  
RANDALL D. VAUGHN, Division Director  
Professional Licensing Boards Division

CONSENTED TO:

Bobby Joseph Hickox  
BOBBY JOSEPH HICKOX  
Respondent

Sworn to and subscribed  
before me this 26 day  
of August, 2009.

[Signature]

NOTARY PUBLIC

My commission expires: 2/27/2013